

Appl. No. 10/682,443
Amdt. dated March 5, 2007
Reply to Office Action of August 16, 2006

REMARKS

This paper is submitted in response to the Office Action dated August 16, 2006 and supplements the response filed on November 16, 2006. Claims 27-31 and 43-47 were previously withdrawn from consideration. As a result of this Amendment, claims 1-12, 14-21, 23-26, 32-36, 39-42 and 48-50 are pending and claims 27-31 and 43-47 remain withdrawn from consideration. Applicants respectfully request reconsideration of the pending claims in light of amendments to selected claims and the remarks which follow.

Personal Interview

Applicants' counsel appreciates the courtesy extended by Examiner and Supervisory Patent Examiner during the personal interview conducted on January 25, 2007. During that interview, differences between the claimed subject matter and the teachings of U.S. Patent No. 5,279,314 to Poulos et al. ("Poulos") were discussed. In Applicants' response dated November 16, 2006, independent claims 1, 12, 21, 32, 39, and 41 were amended to essentially recite that the tines are configured to space a piece of flexible flossing material from a longitudinal axis of the elongated body. The Examiner agreed that this amendment would overcome the rejections based on Poulos. However, the Examiner indicated that an additional search would have to be conducted. In addition to the above, other aspects were discussed that, in the view of the Examiner, might give rise to patentable subject matter. In particular, the Examiner indicated that the positioning of the toothpaste holder relative to the tines may put the claims in condition for allowance.

Appl. No. 10/682,443
Amdt. dated March 5, 2007
Reply to Office Action of August 16, 2006

Additional structural aspects of the toothpaste hold were also discussed. Applicants have amended selected claims to incorporate the suggested features of the toothpaste holder.

In particular, independent claims 12, 21 and 41 have each been amended in accordance with the substance of the interview. Accordingly, each of these claims recites a toothpaste holder disposed between the tines. Dependent claims 13 and 22 have been canceled and dependent claim 42 has been amended due to the recitation of the toothpaste holder in the independent claims. Dependent claims 14 and 18 have also been amended to depend from the independent claim. Applicants respectfully submit that Poulos and the other prior art of record fail to teach or suggest a toothpaste holder disposed between tines that space a piece of floss from a longitudinal axis of the elongated body.

For the reasons provided in Applicants' previous response and for the additional reasons provided herein, Applicants respectfully submit that the prior art rejections based solely or principally upon Poulos have been overcome.

Appl. No. 10/682,443
Amdt. dated March 5, 2007
Reply to Office Action of August 16, 2006

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants do not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, P.L.L.

By: /Steven W. Benintendi/
Steven W. Benintendi
Reg. No. 56,297

2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324
(513) 241-6234 (Facsimile)
khaput@whepatent.com
K:\GET\07\Supplemental Amendment.wpd